

SHUMAKER & SIEFFERT, P.A.  
1625 RADIO DRIVE, SUITE 300  
WOODBURY, MINNESOTA 55125  
TEL 651.735-1100  
FAX 651.735-1102  
WWW.SSIPLAW.COM

RECEIVED  
CENTRAL FAX CENTER  
AUG 22 2008

---

**FACSIMILE SUBMISSION UNDER 37 CFR 1.8**

---

TO:	Mail Stop Amendment	FROM:	Jason D. Kelly
COMPANY:	U.S. Patent & Trademark Office	DATE:	AUGUST 22, 2008
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	8
PHONE NUMBER:	571-272-4729	SENDER'S REFERENCE NUMBER:	1023-350US01
RE:	Response to Office Action dated May 5, 2008	YOUR REFERENCE NUMBER:	10/826,925

---

This facsimile message is intended for the sole use of the intended recipient(s) and may contain information that is confidential, privileged and/or attorneys' work product. Any review or distribution by any other person is prohibited. If you are not an intended recipient, please immediately contact the sender and delete all copies.

---

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 1024  
Keith A. Miesel  
Serial No.: 10/826,925  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Patricia C. Mallari  
Group Art Unit: 3735  
Docket No.: 1023-350US01  
Title: COLLECTING SLEEP QUALITY INFORMATION VIA A MEDICAL  
DEVICE

RECEIVED  
CENTRAL FAX CENTER  
AUG 22 2008

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on August 22, 2008.

By:

Name: Shirley A. Betlach

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Facsimile
- ☒ Response (3 pgs.)
  - ☒ No additional fee is required
- ☒ Terminal Disclaimer (2 pgs.)
- ☒ Request for Extension of Time for one month (1 pg.)
- ☒ Please charge Deposit Account No. 50-1778 in the amount of \$250.00 (\$130.00 for Terminal Disclaimer and \$120.00 for Extension of Time).

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

8-22-08

By:

Name: Jason D. Kelly

Reg. No.: 54,213

SHUMAKER & SIEFFERT, P.A.  
1625 Radio Drive, Suite 300  
Woodbury, Minnesota 55125  
Telephone: 651.286.8350  
Facsimile: 651.735.1102